

Remarks:

This amendment is submitted in an earnest effort to advance this case to issue without delay.

The priority papers were filed with the original application papers and their receipt was acknowledged in the above-mentioned Examiner's Action. The undersigned hereby reiterates the priority claim made in the earlier-filed Declaration.

The two independent claims in the case, method claim 1 and apparatus claim 12, have been similarly amended to recite the two-stage scanning/culling system of this invention.

Thus both claims now recite that, after the syringe is marked but before it is filled, the syringes are checked to make sure their markings are legible and any illegible syringes are culled out. This step is critical as it prevents the system from filling unusable syringes with valuable medicament that must later be discarded with the mismarked syringes.

In addition both claims now recite that, after the syringe is filled but before it is packed, they are again scanned to confirm that the right medicament has been put in them before they are packed. This step is critical as it prevents any mislabeled syringes from being packaged. Users normally rely on the external packaging of their syringes so that, even if a syringe with the wrong contents that are properly identified on the actual

syringe is packed in the wrong box, the user is likely to use it, relying on the box information not what is printed on the syringe.

This double checking thus not only ensures that the end user will not mistakenly inject the wrong drug, but it will prevent the system from putting a valuable product into a container that must then be discarded. When the medicament in question is valuable, e.g. interferon, the result can be substantial savings.

This amendment also adds to the case a new method claim and a new apparatus claim aimed at the two steps of loading the filled syringes into packages and then scanning again to make sure the syringes in the packages are the what is supposed to be in them, and culling out the mislabeled packages.

The original claims stand rejected on a combination of at least three different references:

US 6,813,868 of Baldwin shows the admitted prior art of a system with a marking station 80, a filling station 90, and a packing station 150 that do their standard jobs. The syringes of Baldwin are not marked, are not scanned, and nothing is culled out.

US 6,597,969 of Greenwald also shows nothing more than the admitted prior art of a system that labels cups (marking station), loads pills into the cups (filling station), and then puts the cups onto trays (packing station). At the filling station

there are a plurality of substations each dispensing a respective type of pill and at each of which the cup is scanned. The data scanned at each filling substation is compared to a database and, if it matches that of a patient needing the respective pill, the respective substation dispenses the required pill.

There is nothing in Greenwald to suggest that mismarked containers be culled out, nor to compare the marking on a container with what was dispensed by the upstream filling station so it can be culled out. In fact there is no removal from the path of any of the containers for any reason whatsoever. No rejection was or could have been made on this reference alone.

Finally, in US 6,317,648 of Sleep the containers are moved along in so-called pucks that hold them as the containers pass, as in Greenwald, under a succession of filling substations. The difference with Greenwald is that in Sleep the pucks carry machine-readable data that is scanned at each filling station and where in fact bad pucks can be separated out. Here, there is no actual marking of the package being filled, only of the puck holding it; otherwise Sleep is largely cumulative to Greenwald. Admittedly, column 14 at lines 10ff recites a long list of conditions leading to rejection of the individual pucks, and one of the reasons is "tag unreadable." There is not, however, a teaching of marking and then, before any filling, checking that the marking is readable and, if not, culling out the unusable object. Indeed

with the reusable pucks the "markings" are unlikely to be unreadable.

Thus even in combination with Baldwin and Greenwald, Sleep does not form a valid §103 rejection of claims 1 and 12 as amended.

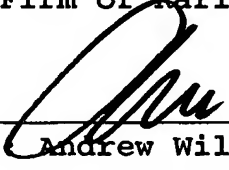
What is more, there is nothing in any of the references to suggest a final verification step after the syringes have been marked, filled, and packaged, to confirm that each package contains what is identified on it as defined in new claims 15 and 16. This step is clearly novel.

For these reasons all of the claims in the case are felt to be in condition for allowance. Notice to that effect is earnestly solicited.

If only minor problems that could be corrected by means of a telephone conference stand in the way of allowance of this

case, the examiner is invited to call the undersigned to make the necessary corrections.

Respectfully submitted,
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Enclosure: Request for extension (three months)